

REMARKS

The present application was filed on November 22, 1999 with claims 1-27. A first restriction requirement was issued on September 3, 2002 requiring election between Group I claims (i.e., claims 1-16 and 20-27) and Group II claims (i.e., claims 17-19). Group I was elected with traverse. A substantive Office Action then followed on December 2, 2002 rejecting elected claims 1-16 and 20-27. Applicants responded to the substantive Office Action in an Amendment dated April 3, 2003. Despite the fact that the Amendment was acknowledged by a return postcard as being received by the U.S. Patent and Trademark Office, Examiner Francis N. Nguyen requested a courtesy copy, which was provided via facsimile on July 3, 2003.

Now, over one and a half years after Applicants substantively responded to the rejection of claims 1-16 and 20-27, the new Examiner, Regina Liang, has issued a second restriction requirement requiring restriction of claims 1-16 and 20-27 into Group I (i.e., claims 1-15 and 25-27), Group II (i.e., claim 16) and Group III (i.e., claims 20-24). However, the present Office Action makes no mention of the previous Amendment filed by Applicants.

First, Applicants assert that issuance of a second restriction requirement over one and a half years after Applicants substantively responded to the rejection of claims 1-16 and 20-27 imposes an improper burden on Applicants. Furthermore, the subject claims are essentially identical to their form when originally filed on November 22, 1999, nearly five years ago. Applicants would reasonably expect that any restriction requirements should be issued and settled much earlier than five years after the application was filed and, in any event, any restriction requirements should not be issued after Applicants substantively respond to a rejection of the subject claims.

Second, there can be no argument of an undue burden imposed on the Office for searching the subject claims since they were previously searched and rejected by the Office together in accordance with the Office Action dated December 2, 2002.

Third, notwithstanding the above concerns, Applicants assert that the subject claims are not properly restricted and, thus, are searchable in the same search effort. Each of the independent claims recite receiving a plurality of inputs and providing an output or response (e.g., degraded response, increased response, an encouragement, a discouragement, a forward moving animation,

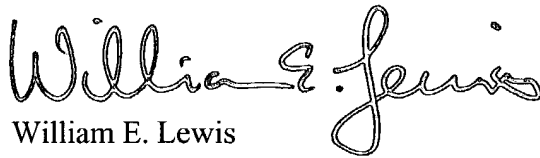
a backward moving animation) based on the input.

As such, Applicants believe that claims 1-16 and 20-27 should not be subject to restriction, and are searchable in the same search effort.

Also, based at least on the present Examiner's definition of Group I, Applicants believe that previously non-elected claims 17-19 should be reinstated.

In the event the outstanding restriction requirement is not withdrawn, Applicants hereby elect with traverse the claims of Group I, i.e., claims 1-15 and 25-27, for prosecution on the merits.

Respectfully submitted,

A handwritten signature in cursive script that reads "William E. Lewis". The signature is written in dark ink and is positioned above the printed name and title.

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